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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,647	02/19/2002	Jeffrey L. Sears	P05466US0 and 096-01-0411	6710

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EXAMINER	
STINSON, FRANKIE L	

ART UNIT	PAPER NUMBER
1746	

DATE MAILED: 03/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/078,647	SEARS	
	Examiner	Art Unit	
	FRANKIE L. STINSON	1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 February 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over either Beldham or Japan 8-229292 in view of Blanchet, Thompson et al. or Kenney et al.

Re claims 1 and 9, Beldham and Japan'292 disclose a washing machine/method comprising a tub for holding laundry (typical), a detergent reservoir (S1-S4 in Beldham; 13 in Japan'292), a control panel to control the operation on the machine, a monetary payment means (not shown) to sense payment, operatively connected to the control panel, and a pump means to automatically pump detergent from the reservoir to the tub, that differs from the claim only in the recitation of the selection of a quantity of detergent corresponding to the monetary payment. The patents to Blanchet, Thompson and Kenney are each disclosing in a coin-operated dispensing system, that it is old and well known to provide an arrangement of dispensing a selected product quantity/volume corresponding to the payment or money deposited (see Blanchet, col. 1, lines 42-47, lines 64-69 and Thompson col. 3, lines 50-57 and Kenney, col. 11, lines 23-31). It therefore would have been obvious to one having ordinary skill in the art to modify the device of either Beldham or Japan'292 to have the quantity/volume of selected

detergent pumped to the washing machine, correspond to the payment as taught by either Blanchet, Thompson or Kenney, for the purpose of ensuring that the consumer/user gets the proper amount of detergent for the proper payment and for the amount of the load being treated. Also note that Thompson discloses the dispensing of "soap" solutions (col.8, lines 7-14). Re claim 2, Beldham and Japan'292 disclose the payment made with coins. Claims 3 and 12 define over the applied prior art only in the recitation of the payment being made with a debit card. Although consider to be a substitution of equivalents (as per MPEP 2144.06), Kenney also discloses in a coin actuated dispenser system, that it old and well known to employ either coins or debiting cards for payment (see abstract). It therefore would have been obvious to one having ordinary skill in the art to modify the device of either Beldham or Japan'292, to have the payment made via a card as taught by Kenney, since this is consider to be the substitution of equivalents. Re claims 4 and 14, Beldham and Japan'292 disclose the selected quantity being less than the volume of the reservoir. Re claim 5, Beldham and Japan'292 disclose the pumping of the detergent. Re claim 6-8, to make a second payment for a second additive is deemed to be an obvious extension of the teachings of either Beldham or Japan'292, in that it is inherent to employ a plurality of additives to the laundry, all of which must be measured in accordance with the manufacture's operation/owner's manual. Re claims 10 and 11, since Beldham and Japan'292 each employ a coin-activated washing machine, the coin/currency sensor is deemed to be inherent. This is also applicable to the coin-operated switch as claimed in claim 13. Re

claim 15, Beldham and Japan'292 disclose the additive pump and the transfer of additive corresponding to the monetary payment as proposedly modified.

3. Applicant's arguments filed February 1, 2005 have been fully considered but they are not persuasive. In regard to the remarks on the Blanchet, Thompson and Kenney references being non-analogous art and not in the field of endeavor, please note that applicant has *claimed* a method washing laundry, however, other than for the steps of loading the laundry and the dispensing of the detergent, no true washing step per se, has been positively set forth. Thusly, it is apparent that the claims of the instant application are not only related to the field of washing machines, they are also related to the filed of dispensing. As recited in applicant's dependent claims, there are claims directed to the method of payment, not a washing method *per se*. It should also be noted that several of patents listed on applicant's IDS (PTO 1449) filed February 19, 2002, (3,094,247 Marchi; 3,120,329 Noakes; 3,301,022 Low; 3,982,666 Kleimola, 4,934,563 Torita and 4,981,024) are all in the filed/endeavor of clothes washing machines and are also originally classified in class 222, DISPENSING. Thusly, it is the examiner's position the while Blanchet, Thompson and Kenney are not related to washing machines per se, they are related to the dispensing of a product, and more particularly, to dispensing a predetermined quantity/volume of a product in exchange for a monetary payment, just like that in the instant invention which makes them relevant, and therefore pertinent to the subject matter to which applicant seeks protection. Blanchet, Thompson and Kenney all have originally classification in class 222, the dispensing art as well. For a proper search to be made for the claims of the instant

application, one must consider class 68 subclass 17R, "with soap supply". The search notes (see below) for the subclass clearly note that a proper search would require a search in class 222 DISPENSING

17 With soap supply:

This subclass is indented under subclass 13. Machines combined with means to supply soap or a concentrated soap solution to the tub.

SEE OR SEARCH CLASS:

100,

Presses, subclasses 71+ for presses not elsewhere provided for, having means to add materials to each other.

134,

Cleaning and Liquid Contact With Solids, subclass 93 for apparatus there provided for combined with solid treating agent supplying means.

137,

Fluid Handling, subclass 268 for fluid handling systems including means for holding solid material to be dissolved or entrained in the fluid, and appropriate subclass for means to valve soap to the machine.

222,

Dispensing, for means to meter quantities of soap or soap solutions and to dispense the same.

Thompson clearly pertains to the dispensing of a soap solution for a monetary payment (col. 8, line 12). In the field of dispensing and other fields as well, it is know to provide dispensers, which accept a payment for a product or a service. Often the amount or quantity being dependent upon the amount of payment, i.e. in coffee vending machines, a small cup would cost a certain monetary payment, and a larger cup, obviously requiring a greater monetary payment. A dime in a parking meter would get one maybe 15 minutes of parking time and 20 cents would get one 30 minutes of parking time;

"SUPERSIZE" has the understanding that for a increase in payment, one is able to get a larger portion than the regular size portion at a lower price. Thusly, the concept of making a monetary payment corresponding to a selected quantity of a product or service is clearly knowledge of a person of ordinary skill in the art.

In re Antle, 170 USPQ 285, 287 (CCPA 1971)

As we also said in Winslow, "Section 103 requires us to presume full knowledge by the inventor of the prior art in the field of his endeavor" (emphasis of "prior" added), but it does not require us to presume full knowledge by the inventor of prior art outside the field of his endeavor, i.e. of "non-analogous" art. In that respect, it only requires us to presume that the inventor would have that ability to select and utilize knowledge from other arts reasonably pertinent to his particular problem which would be expected of a man of ordinary skill in the art to which the matter pertains.

It is understood by the examiner that Japan'292 discloses a coin operated washing machine having a dispensing system that, upon a monetary payment to the washing machine, provides the washing machine with detergent, how much, is not describe in the abstract (Japan'292 is currently being translated) however, it is believed to be a measured amount from the bulk container (3), where the machine capable of washing various sized loads, small medium and large (typical). Thusly, Japan'292 currently fails to teach the selected quantity/volume of detergent. In the art, proper washing instructions, as provided by the manufacturer, dictates that corresponding additives be provided based upon the sizes of the load (typical) for their particular washer. It is the opinion of the examiner that given the teaching of Japan'292, where one pays for the

use of the use of the washing machine and a quantity of detergent, it would have been obvious to modify the operation of the washing machine to have the detergent dispensed a "selected quantity/volume" as a function of the amount paid since proper operating instruction require a specific amount of detergent based on the load size and one would not expect effective washing if too little detergent is used. Likewise, in Japan'292 it is not believed that the washing machine would empty the bulk container for a single use of the washing machine. And, in the dispensing art, it old and well known to select a dispensed product quantity/volume, i.e. like soap (which is a detergent) as a function of the amount a user selects to make payment for, as taught in the Thompson'621 reference for example. In regard to the argument that the applied prior art has different structure and function and are therefore not combinable, please note:

In re Van Beckum, 169 USPQ 47 (CCPA1971)

We would note that it is well settled that the test for obviousness is not whether the features of one reference can be bodily incorporated into the structure of another and proper inquiry should not be limited to the specific structure shown by the references, but should be into the concepts fairly contained therein, and the overriding question to be determines is whether those concepts would suggest to one skill in the art the modification called by the claims.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (572) 272-1308. The examiner can normally be reached on M-F from 5:30 am to 2:00 pm and some Saturdays from approximately 5:30 am to 11:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fls

FRANKIE L. STINSON
Primary Examiner
GROUP ART UNIT 1746